

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.W.P.No.247 of 2007

Date of Decision:- 21.8.2007

Parveen

....Petitioner(s)

through
Mr.Sanjeev Sharma-III, Advocate.

vs.

State of Punjab & ors.

....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

In this criminal writ petition under Article 226 of the Constitution of India, the petitioner seeks a writ in the nature of habeas corpus for the release of alleged detenu, namely, her minor son Ajay Kumar from the custody of respondents No.5 and 6, who are the grand- mother and brother of deceased-husband of the petitioner.

The petitioner was married to Arjan Singh son of Bawa Singh on 9.10.1997 and a male child (the alleged detainee Ajay Kumar) was born out of the wedlock on 17.9.1998. The petitioner's husband unfortunately expired on 28.12.2001.

As per her own case, the petitioner has been residing at her parents' house and, thus, appears to have no contact whatsoever with the child who has been brought up by his grandmother and paternal uncle

(brother of his deceased-father).

In these peculiar facts and circumstances, it cannot be said that the minor child has been illegally detained by respondents No.5 and 6 thereby warranting a writ in the nature of habeas corpus.

Disposed of accordingly.

However, the aforesaid observations shall not preclude the petitioner from seeking custody of the child being her natural guardian by initiating appropriate proceedings before the Civil Court and if any such suit is filed by her, the same shall be decided on merits and in accordance with law.

August 21, 2007
poonam

(SURYA KANT)
JUDGE